

## Message Text

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PAGE 01 STATE 079028  
ORIGIN EB-08

INFO OCT-01 ARA-14 ISO-00 TRSE-00 CTME-00 STR-07 ITC-01  
L-03 FTC-01 CIAE-00 INR-10 NSAE-00 COME-00 /045 R

DRAFTED BY EB/OT/STA:C H BLUM:CMS  
APPROVED BY EB/OT/STA:T O'HERRON  
ARA/MEX:E BITTNER  
TREASURY:M GADBAW  
CUSTOMS:I BARRACK (INFO)

-----009184 280600Z /16

R 280029Z MAR 78  
FM SECSTATE WASHDC  
TO AMCONSUL MONTERREY  
INFO AMEMBASSY MEXICO

UNCLAS STATE 079028

E.O. 11652:N/A

TAGS:ETRD, MX, US

SUBJECT:STEEL TRIGGER PRICE MECHANISM

REF: A) MONTERREY 196, B) STATE 36612

1. THE TRIGGER PRICE MECHANISM IS EXCLUSIVELY A DEVICE TO  
ENABLE THE SECRETARY OF THE TREASURY TO IDENTIFY IMPORTS OF  
STEEL AT PRICES WHICH APPEAR TO BE BELOW "FAIR VALUE"  
UNDER THE ANTIDUMPING ACT AND TO DETERMINE, WITHOUT THE  
NEED FOR A COMPLAINT AND ON AN EXPEDITED BASIS, WHETHER  
SUCH SALES ARE IN FACT BELOW FAIR VALUE. THERE ARE,  
THEREFORE, NO AUTOMATIC "PENALTIES" (I.E., WITHHOLDING  
OF CUSTOMS APPRAISEMENTS OR ANTIDUMPING DUTIES) UNDER THE  
TPM. MOREOVER, A SALE BELOW THE TRIGGER PRICE WOULD NOT  
PER SE VIOLATE THE ANTIDUMPING ACT. IF, AS IN THE CASE  
DESCRIBED REF A, EXPORT PRICE IS NOT LESS THAN HOME MARKET  
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PRICE (AND, ADDITIONALLY, HOME MARKET PRICES ARE SUCH AS TO  
"PERMIT RECOVERY OF ALL COSTS WITHIN A REASONABLE PERIOD OF  
TIME IN THE NORMAL COURSE OF TRADE"), THERE WOULD BE NO  
DUMPING. THE IMPORTER AND THE EXPORTER IN A SALE BELOW  
THE TRIGGER PRICE WILL BE GIVEN AN OPPORTUNITY TO ESTABLISH  
THAT IT WAS AT "FAIR VALUE" AS DEFINED IN THE REGULATIONS  
UNDER THE ANTIDUMPING ACT (19 CFR 153.1-153.7). VANCE

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## Message Attributes

**Automatic Decaptoning:** X

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**To:** MONTERREY

**Type:** TE

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